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**19SL-CC05634 - GARY MATTINGLY V MILLER TRANSPORTERS, INC. D ET AL (E-CASE)**

- |                    |                                |                       |   |                            |                    |  |                        |                                |
|--------------------|--------------------------------|-----------------------|---|----------------------------|--------------------|--|------------------------|--------------------------------|
| <b>Case Header</b> | <b>Parties &amp; Attorneys</b> | <b>Docket Entries</b> | <b>Charges, Judgments &amp; Sentences</b> | <b>Service Information</b> | <b>Filings Due</b> | <b>Scheduled Hearings &amp; Trials</b> | <b>Civil Judgments</b> | <b>Garnishments/ Execution</b> |
|--------------------|--------------------------------|-----------------------|---|----------------------------|--------------------|--|------------------------|--------------------------------|

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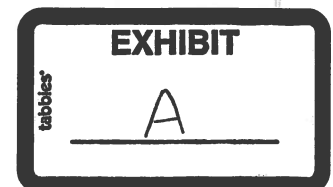
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☐ Ascending

- 01/10/2020 ☐ **Agent Served**  
Document ID - 19-SMOS-1319; Served To - MILLER TRANSPORTERS, INC.; Server - ; Served Date - 08-JAN-20; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served
- ☐ **Certificate of Service**  
Certificate of Service.  
**Filed By:** MATTHEW P O'GRADY  
**On Behalf Of:** GARY MATTINGLY
- ☐ **Notice of Service**  
Affidavit of Service on Defendant Miller Transporters, Inc.  
**Filed By:** MATTHEW P O'GRADY  
**On Behalf Of:** GARY MATTINGLY
- 01/08/2020 ☐ **Summons Personally Served**  
Document ID - 19-SMOS-1320; Served To - ROLLINS, DERYEL; Server - ; Served Date - 28-DEC-19; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served
- 01/07/2020 ☐ **Certificate of Service**  
Certificate of Service.  
**Filed By:** MATTHEW P O'GRADY
- ☐ **Notice of Service**  
Affidavit of Service on Defendant Deryel Rollins.  
**Filed By:** MATTHEW P O'GRADY  
**On Behalf Of:** GARY MATTINGLY
- 12/19/2019 ☐ **Summ Issd- Circ Pers Serv O/S**  
Document ID: 19-SMOS-1320, for ROLLINS, DERYEL. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.
- ☐ **Summ Issd- Circ Pers Serv O/S**  
Document ID: 19-SMOS-1319, for MILLER TRANSPORTERS, INC.. Summons Attached in PDF Form for Attorney to Retrieve from Secure Case.Net and Process for Service.
- 12/10/2019 ☐ **Filing Info Sheet eFiling**  
**Filed By:** MATTHEW P O'GRADY
- ☐ **Note to Clerk eFiling**  
**Filed By:** MATTHEW P O'GRADY
- ☐ **Motion Special Process Server**  
Request for Appointment of Process Server.  
**Filed By:** MATTHEW P O'GRADY  
**On Behalf Of:** GARY MATTINGLY
- ☐ **Pet Filed in Circuit Ct**  
Petition.



☐ **Judge Assigned**  
DIV 21

Case.net Version 5.14.0.17

[Return to Top of Page](#)

Released 11/25/2019

## AFFIDAVIT OF SERVICE

<b>Case:</b> 19SL-CC05634	<b>Court:</b> CIRCUIT	<b>County:</b> ST. LOUIS	<b>Job:</b> 4161626
<b>Plaintiff / Petitioner:</b> GARY MATTINGLY		<b>Defendant / Respondent:</b> Miller Transporters, Inc. d/b/a Miller Transporters	
<b>Received by:</b> Moffett Process Service		<b>For:</b> Order Law	
<b>To be served upon:</b> CORPORATION SERVICE COMPANY or its authorized agent			

I, Christeen Moffett, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** CORPORATION SERVICE COMPANY or its authorized agent; Robbie Keys, 7716 Old Canton Road suite C, Madison, MS 39110

**Manner of Service:** Authorized, Jan 8, 2020, 11:30 am CST

**Documents:** Summons, Petition, Interrogatories and Request for Production

**Additional Comments:**

1) Successful Attempt: Jan 8, 2020, 11:30 am CST at 7716 Old Canton Road suite C, Madison, MS 39110 received by CORPORATION SERVICE COMPANY or its authorized agent; Robbie Keys. Age: 55; Ethnicity: Caucasian; Gender: Female; Weight: 220; Height: 5'5"; Hair: Brown. Relationship: Authorized Agent; Arrived at CORPORATION SERVICE COMPANY and served its authorized agent Robbie Keys.

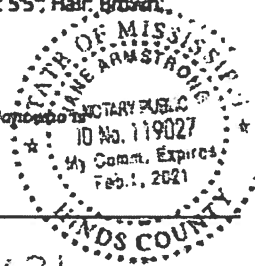
Christeen Moffett 01/09/2020  
Christeen Moffett Date

Moffett Process Service  
1132 RIDGEWOOD BLVD  
JACKSON, MS 39211  
6013310047

Subscribed and sworn to before me by the affiant who is personally known to me.

Jane Armstrong  
Notary Public

1/9/2020 2/1/2021  
Date Commission Expires





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: NANCY WATKINS MCLAUGHLIN	Case Number: 19SL-CC05634
Plaintiff/Petitioner: GARY MATTINGLY	Plaintiff's/Petitioner's Attorney/Address: MATTHEW P O'GRADY 110 EAST LOCKWOOD SAINT LOUIS, MO 63119
Defendant/Respondent: MILLER TRANSPORTERS, INC. DBA: MILLER TRANSPORTERS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: MILLER TRANSPORTERS, INC.  
DBA: MILLER TRANSPORTERS  
C/O CORPORATION SERVICE COMPAN  
7716 OLD CANTON ROAD, SUITE C  
MADISON, MS 39110

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

19-DEC-2019

Date

Further Information:  
AD

*Joan P. Shilling*  
Clerk

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
  - My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
  - I have served the above summons by: (check one)
    - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
    - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
    - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
    - ☐ other (describe) \_\_\_\_\_.
- Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI

GARY MATTINGLY	)		
	)		
Plaintiff,	)		
	)	Cause No.:	19SL-CC05634
v.	)		
	)	Division No.:	21
MILLER TRANSPORTERS, INC.	)		
d/b/a MILLER TRANSPORTERS, et al.,	)		
	)		
Defendants.	)		

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of Plaintiff's First Interrogatories and First Request for Production of Documents Directed to Defendant Miller Transporters, Inc. d/b/a Miller Transporters were served simultaneously with the Summons and Petition by special process server, Moffett Process Service, on January 8, 2020.

**ONDERLAW, LLC**

By: /s/ Matthew P. O'Grady  
Matthew P. O'Grady, #47543  
110 East Lockwood Avenue  
St. Louis, MO 63119  
Tel: (314) 963-9000  
Fax: (314) 963-1700  
ogrady@onderlaw.com

*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was eFiled with the Clerk of the Circuit Court on this 10<sup>th</sup> day of January 2020.

/s/ Matthew P. O'Grady

## AFFIDAVIT OF SERVICE

<b>Case:</b> 19SL-CC05634	<b>Court:</b> CIRCUIT	<b>County:</b> ST. LOUIS	<b>Job:</b> 4161626
<b>Plaintiff / Petitioner:</b> GARY MATTINGLY		<b>Defendant / Respondent:</b> Miller Transporters, Inc. d/b/a Miller Transporters	
<b>Received by:</b> Moffett Process Service		<b>For:</b> Order Law	
<b>To be served upon:</b> CORPORATION SERVICE COMPANY or its authorized agent			

I, Christeen Moffett, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

**Recipient Name / Address:** CORPORATION SERVICE COMPANY or its authorized agent; Robbie Keys, 7716 Old Canton Road suite C, Madison, MS 39110

**Manner of Service:** Authorized, Jan 8, 2020, 11:30 am CST

**Documents:** Summons, Petition, Interrogatories and Request for Production

**Additional Comments:**

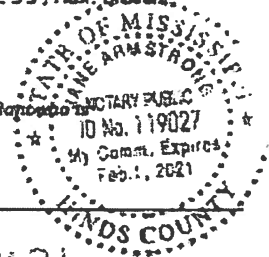
1) Successful Attempt: Jan 8, 2020, 11:30 am CST at 7716 Old Canton Road suite C, Madison, MS 39110 received by CORPORATION SERVICE COMPANY or its authorized agent; Robbie Keys. Age: 55; Ethnicity: Caucasian; Gender: Female; Weight: 220; Height: 5'5"; Hair: Brown; Relationship: Authorized Agent; Arrived at CORPORATION SERVICE COMPANY and served its authorized agent Robbie Keys.

Christeen Moffett 01/09/2020  
Christeen Moffett Date

Moffett Process Service  
1132 RIDGEWOOD BLVD  
JACKSON, MS 39211  
6013310047

Subscribed and sworn to before me by the affiant who is personally known to me.

Jane Armstrong  
Notary Public  
1/9/2020 2/1/2021  
Date Commission Expires





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: NANCY WATKINS MCLAUGHLIN	Case Number: 19SL-CC05634
Plaintiff/Petitioner: GARY MATTINGLY	Plaintiff's/Petitioner's Attorney/Address: MATTHEW P O'GRADY 110 EAST LOCKWOOD SAINT LOUIS, MO 63119
Defendant/Respondent: MILLER TRANSPORTERS, INC. DBA: MILLER TRANSPORTERS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Vehicular	(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri  
(Except Attachment Action)**

The State of Missouri to: MILLER TRANSPORTERS, INC.  
DBA: MILLER TRANSPORTERS  
C/O CORPORATION SERVICE COMPAN  
7716 OLD CANTON ROAD, SUITE C  
MADISON, MS 39110

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

19-DEC-2019

Date

Further Information:  
AD

*Joan P. Shilling*  
Clerk

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other (describe) \_\_\_\_\_.

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title





## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: NANCY WATKINS MCLAUGHLIN	Case Number: 19SL-CC05634
Plaintiff/Petitioner: GARY MATTINGLY	Plaintiff's/Petitioner's Attorney/Address: MATTHEW P O'GRADY 110 EAST LOCKWOOD SAINT LOUIS, MO 63119
Defendant/Respondent: MILLER TRANSPORTERS, INC. DBA: MILLER TRANSPORTERS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

### Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **DERYEL ROLLINS**  
Alias:  
712 BLUEBONNET LANE  
MARSHALL, TX 75672

**COURT SEAL OF**  
  
**ST. LOUIS COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

**SPECIAL NEEDS:** If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at [SLCADA@courts.mo.gov](mailto:SLCADA@courts.mo.gov), or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

**19-DEC-2019**  
Date  
Further Information:  
AD

Clerk

## Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is Process Server of Harrison County, Texas (state).
- I have served the above summons by: (check one)
  - ☒ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.

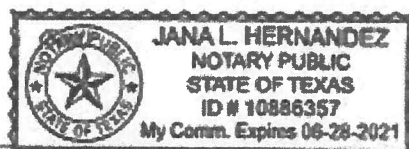
- ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
- ☐ other (describe) \_\_\_\_\_ (address)

Served at 712 Bluebonnet Lane, Marshall, Tx. (address)  
in Harrison County, Texas (state), on December 28, 2019 (date) at 2:22 pm (time).  
Dan Weaver Printed Name of Sheriff or Server Dan Weaver Signature of Sheriff or Server

Subscribed and Sworn To me before this 2 (day) January (month) 2020 (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☒ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)



Jana L. Hernandez Notary  
Signature and Title Public



**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

GARY MATTINGLY	)	
	)	
Plaintiff,	)	
	)	Cause No.: 19SL-CC05634
v.	)	
	)	Division No.: 21
MILLER TRANSPORTERS, INC.	)	
d/b/a MILLER TRANSPORTERS, et al.,	)	
	)	
Defendants.	)	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of Plaintiff's First Interrogatories and First Request for Production of Documents Directed to Defendant Deryel Rollins were served simultaneously with the Summons and Petition by special process server, Dakota Process, on December 28, 2019.

**ONDERLAW, LLC**

By: /s/ Matthew P. O'Grady  
 Matthew P. O'Grady, #47543  
 110 East Lockwood Avenue  
 St. Louis, MO 63119  
 Tel: (314) 963-9000  
 Fax: (314) 963-1700  
 ogrady@onderlaw.com

*Attorney for Plaintiff*

**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing document was eFiled with the Clerk of the Circuit Court on this 7<sup>th</sup> day of January 2020.

/s/ Matthew P. O'Grady



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: NANCY WATKINS MCLAUGHLIN	Case Number: 19SL-CC05634
Plaintiff/Petitioner: GARY MATTINGLY	Plaintiff's/Petitioner's Attorney/Address: MATTHEW P O'GRADY 110 EAST LOCKWOOD SAINT LOUIS, MO 63119
Defendant/Respondent: MILLER TRANSPORTERS, INC. DBA: MILLER TRANSPORTERS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

### Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **DEKRYL ROLLINS**  
Alias:  
712 BLUEBONNET LANE  
MARSHALL, TX 75672

**COURT SEAL OF**  
  
**ST. LOUIS COUNTY**

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

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**19-DEC-2019**  
Date  
Further Information:  
AD

*Janet P. Hernandez*  
Clerk

**Officer's or Server's Affidavit of Service**

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is Process Server of Harrison County, Texas (state).
- I have served the above summons by: (check one)
  - ☒ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other (describe) \_\_\_\_\_ (address).

Served at 712 Bluebonnet Lane, Marshall, Tx. (address)  
in Harrison County, Texas (state), on December 28, 2019 (date) at 2:22 pm (time).  
Danna Weaver Printed Name of Sheriff or Server Danna Weaver Signature of Sheriff or Server

Subscribed and Sworn To me before this 2 (day) January (month) 2020 (year)  
I am: (check one)
 

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☒ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

Jana L. Hernandez Signature and Title Notary Public



## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: NANCY WATKINS MCLAUGHLIN	Case Number: 19SL-CC05634
Plaintiff/Petitioner: GARY MATTINGLY	Plaintiff's/Petitioner's Attorney/Address: MATTHEW P O'GRADY 110 EAST LOCKWOOD SAINT LOUIS, MO 63119
Defendant/Respondent: MILLER TRANSPORTERS, INC. DBA: MILLER TRANSPORTERS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

### Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: DERYEL ROLLINS

Alias:

712 BLUEBONNET LANE  
MARSHALL, TX 75672

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

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19-DEC-2019

Date

Further Information:

AD

Clerk

## Officer's or Server's Affidavit of Service

I certify that:

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- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other (describe) \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees, if applicable**

Summons	\$ _____	
Non Est	\$ _____	
Mileage	\$ _____	( _____ miles @ \$ _____ per mile)
<b>Total</b>	<b>\$ _____</b>	

**See the following page for directions to clerk and to officer making return on service of summons.**

### **Directions to Officer Making Return on Service of Summons**

A copy of the summons and a copy of the motion and/or petition must be served on each Defendant/Respondent. If any Defendant/Respondent refuses to receive the copy of the summons and motion and/or petition when offered to him, the return shall be prepared to show the offer of the officer to deliver the summons and motion and/or petition and the Defendant's/Respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the individual personally or by leaving a copy of the summons and motion and/or petition at the individual's dwelling house or usual place of abode with some person of the family over 15 years of age, or by delivering a copy of the summons and motion and/or petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and motion and/or petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and motion and/or petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the Defendant/Respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. On a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory in the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must not be made less than ten days nor more than sixty days from the date the Defendant/Respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri Court within 30 days after service.



## THE CIRCUIT COURT OF ST. LOUIS COUNTY, MISSOURI

Twenty First Judicial Circuit

### NOTICE OF ALTERNATIVE DISPUTE RESOLUTION SERVICES

#### **Purpose of Notice**

As a party to a lawsuit in this court, you have the right to have a judge or jury decide your case. However, most lawsuits are settled by the parties before a trial takes place. This is often true even when the parties initially believe that settlement is not possible. A settlement reduces the expense and inconvenience of litigation. It also eliminates any uncertainty about the results of a trial.

Alternative dispute resolution services and procedures are available that may help the parties settle their lawsuit faster and at less cost. Often such services are most effective in reducing costs if used early in the course of a lawsuit. Your attorney can aid you in deciding whether and when such services would be helpful in your case.

#### **Your Rights and Obligations in Court Are Not Affected By This Notice**

You may decide to use an alternative dispute resolution procedure if the other parties to your case agree to do so. In some circumstances, a judge of this court may refer your case to an alternative dispute resolution procedure described below. These procedures are not a substitute for the services of a lawyer and consultation with a lawyer is recommended. Because you are a party to a lawsuit, you have obligations and deadlines which must be followed whether you use an alternative dispute resolution procedure or not. **IF YOU HAVE BEEN SERVED WITH A PETITION, YOU MUST FILE A RESPONSE ON TIME TO AVOID THE RISK OF DEFAULT JUDGMENT, WHETHER OR NOT YOU CHOOSE TO PURSUE AN ALTERNATIVE DISPUTE RESOLUTION PROCEDURE.**

#### **Alternative Dispute Resolution Procedures**

There are several procedures designed to help parties settle lawsuits. Most of these procedures involve the services of a neutral third party, often referred to as the "neutral," who is trained in dispute resolution and is not partial to any party. The services are provided by individuals and organizations who may charge a fee for this help. Some of the recognized alternative dispute resolutions procedures are:

**(1) Advisory Arbitration:** A procedure in which a neutral person or persons (typically one person or a panel of three persons) hears both sides and decides the case. The arbitrator's decision is not binding and simply serves to guide the parties in trying to settle their lawsuit. An arbitration is typically less formal than a trial, is usually shorter, and may be conducted in a private setting at a time mutually agreeable to the parties. The parties, by agreement, may select the arbitrator(s) and determine the rules under which the arbitration will be conducted.

**(2) Mediation:** A process in which a neutral third party facilitates communication between the parties to promote settlement. An effective mediator may offer solutions that have not been considered by the parties or their lawyers. A mediator may not impose his or her own judgment on the issues for that of the parties.

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**(3) Early Neutral Evaluation (“ENE”):** A process designed to bring the parties to the litigation and their counsel together in the early pretrial period to present case summaries before and receive a non-binding assessment from an experienced neutral evaluator. The objective is to promote early and meaningful communication concerning disputes, enabling parties to plan their cases effectively and assess realistically the relative strengths and weaknesses of their positions. While this confidential environment provides an opportunity to negotiate a resolution, immediate settlement is not the primary purpose of this process.

**(4) Mini-Trial:** A process in which each party and their counsel present their case before a selected representative for each party and a neutral third party, to define the issues and develop a basis for realistic settlement negotiations. The neutral third party may issue an advisory opinion regarding the merits of the case. The advisory opinion is not binding.

**(5) Summary Jury Trial:** A summary jury trial is a non binding, informal settlement process in which jurors hear abbreviated case presentations. A judge or neutral presides over the hearing, but there are no witnesses and the rules of evidence are relaxed. After the “trial”, the jurors retire to deliberate and then deliver an advisory verdict. The verdict then becomes the starting point for settlement negotiations among the parties.

### **Selecting an Alternative Dispute Resolution Procedure and a Neutral**

If the parties agree to use an alternative dispute resolution procedure, they must decide what type of procedure to use and the identity of the neutral. As a public service, the St. Louis County Circuit Clerk maintains a list of persons who are available to serve as neutrals. The list contains the names of individuals who have met qualifications established by the Missouri Supreme Court and have asked to be on the list. The Circuit Clerk also has Neutral Qualifications Forms on file. These forms have been submitted by the neutrals on the list and provide information on their background and expertise. They also indicate the types of alternative dispute resolution services each neutral provides.

A copy of the list may be obtained by request in person and in writing to: Circuit Clerk, Office of Dispute Resolution Services, 7900 Carondelet Avenue, 5th Floor, Clayton, Missouri 63105. The Neutral Qualifications Forms will also be made available for inspection upon request to the Circuit Clerk.

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## IN THE 21ST JUDICIAL CIRCUIT COURT, ST. LOUIS COUNTY, MISSOURI

Judge or Division: NANCY WATKINS MCLAUGHLIN	Case Number: 19SL-CC05634
Plaintiff/Petitioner: GARY MATTINGLY	Plaintiff's/Petitioner's Attorney/Address: MATTHEW P O'GRADY 110 EAST LOCKWOOD SAINT LOUIS, MO 63119
Defendant/Respondent: MILLER TRANSPORTERS, INC. DBA: MILLER TRANSPORTERS	Court Address: ST LOUIS COUNTY COURT BUILDING 105 SOUTH CENTRAL AVENUE CLAYTON, MO 63105
Nature of Suit: CC Pers Injury-Vehicular	

(Date File Stamp)

### Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: MILLER TRANSPORTERS, INC.  
DBA: MILLER TRANSPORTERS  
C/O CORPORATION SERVICE COMPAN  
7716 OLD CANTON ROAD, SUITE C  
MADISON, MS 39110

COURT SEAL OF



ST. LOUIS COUNTY

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the Plaintiff/Petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

SPECIAL NEEDS: If you have special needs addressed by the Americans With Disabilities Act, please notify the Office of the Circuit Clerk at 314-615-8029, FAX 314-615-8739, email at SLCADA@courts.mo.gov, or through Relay Missouri by dialing 711 or 800-735-2966, at least three business days in advance of the court proceeding.

19-DEC-2019

Date

Further Information:  
AD

  
Clerk

## Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is \_\_\_\_\_ of \_\_\_\_\_ County, \_\_\_\_\_ (state).
- I have served the above summons by: (check one)
  - ☐ delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
  - ☐ leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with \_\_\_\_\_, a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
  - ☐ (for service on a corporation) delivering a copy of the summons and a copy of the petition to \_\_\_\_\_ (name) \_\_\_\_\_ (title).
  - ☐ other (describe) \_\_\_\_\_

Served at \_\_\_\_\_ (address)  
in \_\_\_\_\_ County, \_\_\_\_\_ (state), on \_\_\_\_\_ (date) at \_\_\_\_\_ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and Sworn To me before this \_\_\_\_\_ (day) \_\_\_\_\_ (month) \_\_\_\_\_ (year)

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

**Service Fees, if applicable**

Summons	\$ _____	
Non Est	\$ _____	
Mileage	\$ _____	( _____ miles @ \$ _____ per mile)
<b>Total</b>	<b>\$ _____</b>	

See the following page for directions to clerk and to officer making return on service of summons.

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**19SL-CC05634**

In the  
**CIRCUIT COURT**  
 Of St. Louis County, Missouri



For File Stamp Only

Gary Mattingly  
 Plaintiff/Petitioner

December 10, 2019  
 Date

Case Number

vs.

Miller Transporters, Inc. d/b/a Miller Transporters et al.,  
 Defendant/Respondent

Division

**REQUEST FOR APPOINTMENT OF PROCESS SERVER**

Comes now Plaintiff, pursuant

Requesting Party

to Local Rule 28, and at his/her/its own risk requests the appointment of the Circuit Clerk of

Moffett Process Services 1132 Ridgewood Blvd., Jackson, MX 39211 601-331-0047  
 Name of Process Server Address Telephone

Dakota Process 400 S. Alamo Blvd., Ste D, Marshall TX 75670 903-503-7915  
 Name of Process Server Address or in the Alternative Telephone

Name of Process Server Address or in the Alternative Telephone

Natural person(s) of lawful age to serve the summons and petition in this cause on the below named parties. This appointment as special process server does not include the authorization to carry a concealed weapon in the performance thereof.

**SERVE:**

Miller Transporters, Inc. d/b/a Miller Transporters  
 Name  
7716 Old Canton Rd., Ste. C  
 Address  
Madison, MS 39110  
 City/State/Zip

**SERVE:**

Name  
 Address  
 City/State/Zip

Appointed as requested:

**JOAN M. GILMER**, Circuit Clerk

By \_\_\_\_\_  
 Deputy Clerk

Date

**SERVE:**

Deryel Rollins  
 Name  
712 BlueBonnet Lane  
 Address  
Marshall, TX 75672  
 City/State/Zip

**SERVE:**

Name  
 Address  
 City/State/Zip

/s/ Matthew P. O'Grady  
 Signature of Attorney/Plaintiff/Petitioner  
47543  
 Bar No.  
110 E. Lockwood Avenue, St. Louis, MO 63119  
 Address  
(314) 963-9000 (314) 227-7662  
 Phone No. Fax No.

## Local Rule 28. SPECIAL PROCESS SERVERS

(1) Any Judge may appoint a Special Process Server in writing in accordance with the law and at the risk and expense of the requesting party except no special process server shall be appointed to serve a garnishment [except as allowed by Missouri Supreme Court Rule 90.03(a)].

This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

(2) The Circuit Clerk may appoint a natural person other than the Sheriff to serve process in any cause in accordance with this subsection;

(A) Appointments may list more than one server as alternates.

(B) The appointment of a person other than the Sheriff to serve process shall be made at the risk and expense of the requesting party.

(C) Any person of lawful age, other than the Sheriff, appointed to serve process shall be a natural person and not a corporation or other business association.

(D) No person, other than the Sheriff, shall be appointed to serve any order, writ or other process which requires any levy, seizure, sequestration, garnishment, [except as allowed by Missouri Supreme Court Rule 90.03(a)], or other taking.

(E) Requests for appointment of a person other than the Sheriff to serve process shall be made on a "Request for Appointment of Process Server" electronic form, which may be found on the Court's Web Site, <http://www.stlouisco.com>. (LawandPublicSafety/Circuit/Forms).

(F) This appointment as Special Process Server does not include the authorization to carry a concealed weapon in the performance thereof.

## SERVICE RETURN

Any service by the St. Louis County Sheriff's Office shall be scanned into the courts case management system. Any service by another Sheriff or a Special Process Server or any other person authorized to serve process shall return to the attorney or party who sought service and the attorney shall file the return electronically to the Circuit Clerk.

**IN THE CIRCUIT COURT OF ST. LOUIS COUNTY  
STATE OF MISSOURI**

GARY MATTINGLY	)	
	)	
Plaintiff,	)	
	)	Cause No.:
v.	)	
	)	Division No.:
MILLER TRANSPORTERS, INC.	)	
d/b/a MILLER TRANSPORTERS,	)	
	)	
<b>Serve: Corporation Service Company</b>	)	
<b>7716 Old Canton Rd, Suite C</b>	)	
<b>Madison, MS 39110</b>	)	
	)	
AND	)	
	)	
DERYEL ROLLINS,	)	
	)	
<b>Serve: Deryel Rollins</b>	)	
<b>712 BlueBonnet Lane</b>	)	
<b>Marshall, TX 75672</b>	)	
	)	
Defendants.	)	

**PETITION**

COMES NOW Plaintiff, Gary Mattingly (hereinafter "Mattingly"), by and through his attorneys, Matthew P. O'Grady and OnderLaw, LLC, and for his causes of action against Defendants, Miller Transporters, Inc. d/b/a Miller Transporters (hereinafter "Miller Transporters") and Deryel Rollins (hereinafter "Rollins") states and shows the Court as follows:

1. Plaintiff is and was at all times material hereto a resident and citizen of the State of Missouri.
2. Defendant, Rollins, is and was at all times material hereto a resident and citizen of the State of Texas.

3. Defendant Miller Transporters is a Mississippi Corporation in good standing and conducts business in St. Louis County, Missouri.

4. On or about May 15, 2017, Mattingly was operating an automobile owned by him, in a generally southbound direction along Interstate 270 in St. Louis County, Missouri, and came to a complete stop for traffic congestion.

5. At the aforesaid time and place, a semi-truck trailer vehicle, owned by Miller Transporters, and operated by Rollins slammed into the rear of Mattingly's vehicle.

6. At the aforesaid time and place of the collision, Rollins was the agent, servant and/or employee of Miller Transporters, performing tasks and duties within the course and scope of his employment, including driving and operating the semi-truck trailer vehicle, at the request of Miller Transporters and for Miller Transporters benefit, rendering Miller Transporters liable for the negligent acts and omissions of Rollins pursuant to principles of *respondeat superior*.

7. At the aforesaid time and place, Rollins was negligent in the operation of the semi-truck trailer vehicle and failed to exercise the highest degree of care in one or more of the following respects, to wit:

- a. Rollins failed to keep a careful and vigilant lookout;
- b. Rollins was specifically negligent and negligent per se pursuant to the rear end collision doctrine;
- c. Rollins was inattentive in the operation of the semi-truck trailer vehicle;
- d. Rollins failed to stop or swerve, coming into contact with the motor vehicle operated by Mattingly;
- e. Rollins failed to sound a warning;

8. At the time of the aforementioned collision and at all relevant times, Mattingly exercised the highest degree of care in the operation of his automobile and was not negligent.

9. As a direct and proximate result of the conduct of Rollins, in one or more of the foregoing respects submitted above, Mattingly was caused to sustain financial anxiety and distress upon receipt of medical bills in the hundreds of thousands of dollars, as well as temporary disablement and disability, and surgery disc replacement is necessary as a result of his injuries. Mattingly underwent medical treatment for same and has incurred bills for past medical care and treatment in the amount of approximately Two Hundred Twenty-Nine Thousand, Three Hundred Two (\$229,302.00) dollars related thereto. Mattingly continues to experience symptoms of the aforementioned harm, injury, and losses, and the aforementioned harms and losses are continuing, and Mattingly will require future medical care and treatment, including surgery, and other future medical care and treatment including but not limited to physical therapy, for which necessary and reasonable future medical expenses will be reasonable and necessary for him to incur, and in a total amount to be determined upon the trial of this cause.

**WHEREFORE**, Plaintiff, Gary Mattingly, prays for Judgment against Defendants, Miller Transporters and Deryel Rollins, for a sum in excess of TWENTY-FIVE THOUSAND DOLLARS (\$25,000), together with post-Judgment interest and interest at the legal rate allowed by law, the costs of this action, and for such other and further relief as this Court deems just and proper.



Respectfully submitted,

**ONDERLAW, LLC**

By: /s/ Matthew P. O'Grady

Matthew P. O'Grady, #47543

110 E. Lockwood Avenue

St. Louis, MO 63119

(314) 963-9000

(314) 963-1700 (facsimile)

[ogrady@onderlaw.com](mailto:ogrady@onderlaw.com)

*Attorney for Plaintiff*